## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

## DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP

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Attorneys for Plaintiff Texas Eastern Transmission, LP

TEXAS EASTERN TRANSMISSION, LP, a limited partnership of the State of Delaware Plaintiff, v.

0.077 Acres Of Land, More or Less, In The City of Jersey City, Hudson County, New Jersey; COLES JERSEY DEVELOPMENT CO., LLC; OGDEN REALTY CO.; JANE AND JOHN DOES 1 through 50 (fictitious name defendants); and ABC BUSINESS ENTITIES 1 through 50 (fictitious name defendants),

Defendants.

**THIS MATTER** having come before the Court (Honorable Stanley R. Chesler) on November 5, 2018 at 9:00 a.m., upon the motion of Jeffrey D. Smith, of DeCotiis, FitzPatrick, Cole & Giblin, LLP, counsel to Texas Eastern Transmission, LP, for summary judgment determining that Coles Jersey Development Co., LLC has waived the right to compensation for a permanent easement on 0.077 Acres of Land, More or Less, In The City of Jersey City;

**AND THE COURT** having considered plaintiff's motion, supporting certifications, R. 56.1 Statement of Undisputed Material Facts, and the arguments of counsel, and good cause having been shown.

IT IS on this	day of	2018 ORDERED AS FOLLOWS
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1. Plaintiff's Motion for Summary Judgment is hereby granted;

2. Defendant Coles Jersey Development Co., LLC is barred from seeking compensation for

a permanent easement on a 0.077 acre portion of Block 6005, Lot 7, subject of this

condemnation action;

3. Plaintiff shall be entitled to withdraw Two Hundred Fifty-Five Thousand and 00/100

(\$255,000.00) Dollars, paid on deposit with the Clerk of the U.S. District Court as

provided in the Order of Taking entered in this matter on November 5, 2015, plus accrued

interest, if any, without further order of the court; and it is further

4. Plaintiff's attorney shall serve a copy of this Order for Judgment upon all defendants, by

regular mail addressed to counsel who have appeared for defendants within seven (7)

days of entry of this Order.

STANLEY R. CHESLER U.S.D.J.